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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/715,162  
Filing Date: November 17, 2003  
Appellant(s): METSATAHTI ET AL.

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Richard D. Emery  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 07/18/2008 appealing from the Office action mailed 03/31/2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

U.S. Patent Application No. 10/792,175; and

U.S. Patent Application No. 10/774,670.

In neither of the above listed cases has a decision been rendered.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

WO 02/057959	Rothmuller	7-2002
2003/0009493	Parker	1-2003

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rothmuller et al. (Rothmuller hereinafter)** (International Pub No.

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WO 02/057959 A2) in view of **Parker et al.** (**Parker** hereinafter) (U.S. Patent No. 2003/0009493).

With respect to claim 1, **Rothmuller** teaches **a computer program product comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising:**

**“first instructions configured, when executed, to generate a media view”** as figure 1, Image area 100 provides a media view (**Rothmuller** Figure 1) **“that provides access to digital media files and associates digital media files with a predefined time”** as when the objects to be search for are photos, these search criteria can include, but are not limited to, the date and time the photos were taken, textual information that is associated with the photos such as the names of the people who are in the photos or the places or events where the photos were taken, designations of the photos as favorite photos, and designation of the photos as photos that have been printed, shared with others, or archived on a certain date (**Rothmuller** Page 2, Lines 13-19). These media files are being accessed based on the association of these media files with respect to their data and time.

**“second instructions configured, when executed, to generate a time bar that divides time into segments, each segment of time depends upon the amount of media files associated with the respective segment of time”** as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of

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photos take as function of time over some period of time that can range from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3). Examiner interprets the segments as time bands having a size/time period and media files associated with that size.

The timeline 250 can be used by itself to find all photos taken between Jan. 1, 2000 and Feb. 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10 & figure 1 and 3). In figure 3 there are segments of time and their size depends upon the amount of files for that time segment.

**Rothmuller** teaches the elements of claim 1 as noted above but does not explicitly teach **“bar divided into segments of unit time and having length along the time bar.”**

However, **Parker** teaches **“bar divided into segments of unit time and having length along the time bar”** as he number of histogram bins that can be clearly displayed and the desired start and end date of the histogram timeline, new date bin sizes are calculated. In step 238, a new histogram timeline is generated with the modified bin sizes. Finally, in step 240, the modified histogram timeline with more visible bin size is displayed (**Parker** Paragraph 0048). Parker’s timeline is being divided into units of time as being days, months, or years.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Parker's** teaching would have allowed **Rothmuller** to provide an effective method for organizing representations of digital multimedia objects to facilitate the selection of desired digital multimedia objects by selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion.

These references disclose the claimed invention except for segments of time having length along time bar (horizontally) which depends on the amount of files associated with that length. Prior art teaches vertical bars, where bars represent the amount of media files associated with that time unit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical graphs for a specific time segment to horizontal graph along the time bar, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

Further, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical graphs for a specific time segment to horizontal graph along the time bar, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

With respect to claim 2, **Rothmuller** teaches “**the computer program product of claim 1, wherein the second instructions configured to generate a time bar include instructions configured to generates selectable segments of unit time**” as the timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 8, Lines 2-3). Examiner interprets selectable as adjustable.

With respect to claim 3, **Rothmuller** teaches “**the computer program product of claim 1, wherein the second instructions configured to generate a time bar include instructions configured to generate segments of unit time periods chosen from the group consisting of a year, a month, a week and a day**” as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10).

Claim 14 is essentially the same as claim 3 except it recites the claimed invention as a method and is rejected for the same reasons as applied herein above.

With respect to claim 4 **Rothmuller** teaches “**the computer program product of claim 1, wherein the second instructions configured to generate a time bar include instructions configured to generate a segment of unit time that indicates**



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**the amount of media files in the time segment”** as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can rage from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3).

With respect to claim 5, **Rothmuller** teaches **“the computer program product of claim 4, wherein the second instructions configured to generate a time bar includes instructions configured to generate a segment of time that indicates the amount of media items in the segment based on the size of the segment”** as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can rage from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3).

With respect to claim 6, **Rothmuller** teaches **“the computer program product of claim 4, wherein the second instructions configured to generate a time bar includes instructions configured to generate a segment of time that indicates the amount of media items in the segment unit based on the color of the segment”** as when tag searches are conducted in conjunction with timeline 250, the timeline displays the total number of photos in the database per unit time period in a first color which may be a solid color, and the total number of photos in the database that match the tagged search criteria as “best” or “close” matches in a second color which may be a hatched pattern or color (**Rothmuller** Page 8, Lines 21-26).

With respect to claim 7, **Rothmuller** teaches **“the computer program product of claim 1, wherein the second instructions configured to generate a time bar additionally includes instructions configured to generate a time handle that allows for periods of time to be scrolled”** as figure 1 and figure 3, which shows the time handle/arrows to scroll the time periods (**Rothmuller** Figure 1 & 3).

With respect to claim 8, **Rothmuller** teaches **“the computer program product of claim 1, wherein the first instructions further include instructions configured to generate digital media files with a predefined time based upon information associated with the digital media file”** as when the objects to be search for are

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photos, these search criteria can include, but are not limited to, the date and time the photos were taken, textual information that is associated with the photos such as the names of the people who are in the photos or the places or events where the photos were taken, designations of the photos as favorite photos, and designation of the photos as photos that have been printed, shared with others, or archived on a certain date (**Rothmuller** Page 2, Lines 13-19). These media files are being accessed based on the association of these media files with respect to their data and time.

Claim 15 is essentially the same as claim 15 except it recites the claimed invention as a method and is rejected for the same reasons as applied herein above.

With respect to claim 9, **Rothmuller** teaches **“the computer program product of claim 1, further including third instructions configured to generate a calendar view that represents time in calendar format and associates events with respective periods of time”** as in addition to timelines, the temporal distribution of objects in the database can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month (**Rothmuller** Page 3, Lines 10-16). In addition tags in the events category can include pre-defined calendar event such as New Years Eve, and customized calendar events such as birthdays and anniversaries (**Rothmuller** Page 5, Lines 21-23).

With respect to claim 10, **Rothmuller** teaches **“the computer program product of claim 9, wherein the first instructions configured to generate a media view that provides access to digital media files and associates digital media files with a predefined time, associates digital media files with a past predefined time and wherein the third instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time, associates events with respective future periods of time”** as figure 1, Image area 100 provides a media view (**Rothmuller** Figure 1). When the objects to be search for are photos, these search criteria can include, but are not limited to, the date and time the photos were taken, textual information that is associated with the photos such as the names of the people who are in the photos or the places or events where the photos were taken, designations of the photos as favorite photos, and designation of the photos as photos that have been printed, shared with others, or archived on a certain date (**Rothmuller** Page 2, Lines 13-19). These media files are being accessed based on the association of these media files with respect to their data and time.

In addition to timelines, the temporal distribution of objects in the database can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month (**Rothmuller** Page 3, Lines 10-16). In addition tags in the events category can include pre-defined calendar event such as New Years Eve, and

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customized calendar events such as birthdays and anniversaries (**Rothmuller** Page 5, Lines 21-23).

With respect to claim 11, **Rothmuller** teaches **an apparatus comprising:**

**“a processing unit that executes computer-readable program instructions embodied in a computer readable storage medium, the computer-readable program instructions comprising”** as a programmable processor executing a program of instruction to perform functions of the invention by operating on input data and generating output (**Rothmuller** Page 12, Lines 19-21).

**“first instructions configured, when executed, to generate a media view”** as figure 1, Image area 100 provides a media view (**Rothmuller** Figure 1) **“that provides access to digital media files and associates digital media files with a predefined time”** as when the objects to be search for are photos, these search criteria can include, but are not limited to, the date and time the photos were taken, textual information that is associated with the photos such as the names of the people who are in the photos or the places or events where the photos were taken, designations of the photos as favorite photos, and designation of the photos as photos that have been printed, shared with others, or archived on a certain date (**Rothmuller** Page 2, Lines 13-19). These media files are being accessed based on the association of these media files with respect to their data and time.

**“second instructions configured, when executed, to generate a time bar that divides time into segments, each segment of time depends upon the amount**

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**of media files associated with the respective segment of time**” as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can range from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3). Examiner interprets the segments as time bands having a size/time period and media files associated with that size.

The timeline 250 can be used by itself to find all photos taken between Jan. 1, 2000 and Feb. 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10 & figure 1 and 3). In figure 3 there are segments of time and their size depends upon the amount of files for that time segment.

**Rothmuller** teaches the elements of claim 11 as noted above but does not explicitly teaches **“bar divided into segments of unit time and having length along the time bar.”**

However, **Parker** teaches **“bar divided into segments of unit time and having length along the time bar”** as he number of histogram bins that can be clearly displayed and the desired start and end date of the histogram timeline, new date bin sizes are calculated. In step 238, a new histogram timeline is generated with the

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modified bin sizes. Finally, in step 240, the modified histogram timeline with more visible bin size is displayed (**Parker** Paragraph 0048). Parker's timeline is being divided into units of time as being days, months, or years.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Parker's** teaching would have allowed **Rothmuller** to provide an effective method for organizing representations of digital multimedia objects to facilitate the selection of desired digital multimedia objects by selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion.

These references disclose the claimed invention except for segments of time having length along time bar (horizontally) which depends on the amount of files associated with that length. Prior art teaches vertical bars, where bars represent the amount of media files associated with that time unit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical graphs for a specific time segment to horizontal graph along the time bar, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens. 101 USPQ 284 (CCPA 1954).

Further, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical graphs for a specific time segment to horizontal graph along the time bar, since it has been held that a mere reversal of the

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essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Claim 13 is essentially the same as claim 11 except it recites the claimed invention as a method and is rejected for the same reasons as applied herein above.

With respect to claim 16, **Rothmuller** teaches **a method comprising:**

**“providing the user of a digital device a display of a time bar and a media view that represents media files in association with a predefined time”** as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can rage from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3). Figure 1, Image area 100 provides a media view (**Rothmuller** Figure 1).

**“wherein the time bar has one or more time levels, wherein the display of at least one time level is divided into a plurality of segments of time, and wherein the display of each segment of time of the plurality of segments of time of at least**



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**one time level is based upon the amount of media files associated with the segment of time**” as the timeline 250 can be used by itself to find all photos taken between Jan. 1, 2000 and Feb. 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10 & figure 1 and 3). Figure 3 has levels of year’s, months, and days. In figure 3 there are segments of time and their size depends upon the amount of files for that time segment.

**“activating one or more time levels of the time bar to display the specific predefined time for which a media file is associated”** as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10). The time levels of timeline shown in the reference has 2000 as year level, Jan as month level and 1<sup>st</sup> as day level and these levels are being activated to retrieve media files.

**“activating the specific period of time to display a representation of the media file and the associated predefined time”** as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10).

**“selecting the representation of the media file to access the media file”** as the timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos (**Rothmuller** Page 7, Line 31 & Page 8, Lines 1-2).

**Rothmuller** teaches the elements of claim 16 as noted above but does not explicitly teach **“bar divided into segments of unit time and having length along the time bar.”**

However, **Parker** teaches **“bar divided into segments of unit time and having length along the time bar”** as he number of histogram bins that can be clearly displayed and the desired start and end date of the histogram timeline, new date bin sizes are calculated. In step 238, a new histogram timeline is generated with the modified bin sizes. Finally, in step 240, the modified histogram timeline with more visible bin size is displayed (**Parker** Paragraph 0048). **Parker’s** timeline is being divided into units of time as being days, months, or years.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Parker’s** teaching would have allowed **Rothmuller** to provide an effective method for organizing representations of digital multimedia objects to facilitate the selection of desired digital multimedia objects by selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion.

These references disclose the claimed invention except for segments of time having length along time bar (horizontally) which depends on the amount of files associated with that length. Prior art teaches vertical bars, where bars represent the amount of media files associated with that time unit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical

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graphs for a specific time segment to horizontal graph along the time bar, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens. 101 USPQ 284 (CCPA 1954).

Further, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical graphs for a specific time segment to horizontal graph along the time bar, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

With respect to claim 17, **Rothmuller** teaches **“the method of claim 16, wherein the step of activating one or more time levels of the time bar to display the specific predefined time for which a media file is associated further comprises activating one or more time levels of the time bar chosen from the group consisting of month level, week level and day level to display the specific predefined time for which a media file is associated”** as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10). The time levels of timeline shown in the reference has 2000 as year level, Jan as month level and 1<sup>st</sup> as day level and these levels are being activated to retrieve media files.

With respect to claim 18, **Rothmuller** teaches “**the method of claim 16, wherein the step of activating the specific predefined time to display a representation of the media file and the associated predefined time further comprises activating a specific date to display a representation of the media file and the date**” as the timeline 250 can be used by itself to find all photos taken between Jan 1, 2000 and Feb 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rothmuller et al.** (International Pub No. WO 02/057959 A2).

With respect to claim 12, **Rothmuller** teaches “**the digital device of claim 11, the computer-readable program instructions further comprising a third instructions configured to generate a calendar view that represents time in calendar format, associates events with respective periods of time**” as in addition to timelines, the temporal distribution of objects in the database can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month (**Rothmuller** Page 3, Lines 10-16). In addition tags in the events category can include pre-defined calendar event such as New Years Eve, and customized calendar events such as birthdays and anniversaries (**Rothmuller** Page 5, Lines 21-23).

**“a display in communication with the processing unit that presents a combined view of the media view and the time bar”** as figure1, which shows the combined view of both the media view and the time bar (Rothmuller Figure 1).

**Rothmuller** teaches the elements of claim 12 as noted above but does not explicitly teach **“and is presented by the display in combination with the media view and the time bar.”**

However, **Rothmuller** teaches **“and is presented by the display in combination with the media view and the time bar”** as figure1, which shows the combined view of both the media view and the time bar (**Rothmuller** Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited reference because these teachings would have provided the display of all the files and events associated with a specific data by the displaying calendar events with combination to media view and time bar, thereby limiting the search time of different files and events.

#### **(10) Response to Argument**

##### **A. § 103(a) rejection of claims 1-11 and 13-18 over Rothmuller in view of**

##### **Parker.**

Regarding claims 1, 11, 13, and 16, Appellant argues that Rothmuller and Parker do not teach **“a time bar that divides time into segments, each segment of time**

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**depends upon the amount of media files associated with the respective segment of time.”**

In response to the Appellants arguments examiner respectfully submits that Rothmuller teaches “**a time bar that divides time into segments, each segment of time depends upon the amount of media files associated with the respective segment of time**” as the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 shown in fig 1. The timeline 250 can show the number of photos take as function of time over some period of time that can rage from the time the first photo in the database was taken to the present. The timeline 250 can be used by itself, or with other tags 350 to specify the criteria used to search for matching photos. The timeline includes adjustable time bands 251 that can be moved to allow timeline 250 to specify the time period that is used to find matching photos (**Rothmuller** Page 7, Lines 27-31 & Page 8, Lines 1-3 and Figure 3). The timeline 250 can be used by itself to find all photos taken between Jan. 1, 2000 and Feb. 28, 2000 by moving the adjustable time bands 251 to these two respective dates (**Rothmuller** Page 8, Lines 8-10 & figure 1 and 3).

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PCT/US02/01530

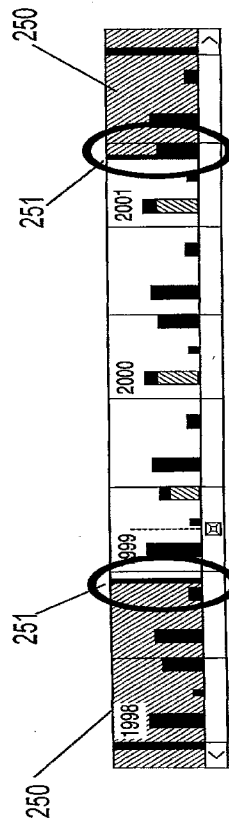


Fig. 3

SUBSTITUTE SHEET (RULE 26)

*First of all, the time bar shown above is divided into segments of time of years, six months and six months further are divided into segments of time. Six months are further divided into segments of time, which show graphs of how much media is associated with it. If there is no media associated with a segment of time there is no graph represented for that time period.*

*The bar graphs represented for certain segments of time show respective length/height, which is along the time bar for that segment of time and this respective*

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*length/height represents the amount of media/photos associated with that time segment.*

Further, Parker teaches “**bar divided into segments of unit time and having length along the time bar**” as the number of histogram bins that can be clearly displayed and the desired start and end date of the histogram timeline, new date bin sizes are calculated. In step 238, a new histogram timeline is generated with the modified bin sizes. Finally, in step 240, the modified histogram timeline with more visible bin size is displayed (**Parker** Paragraph 0048 and Figure 6F-6G).

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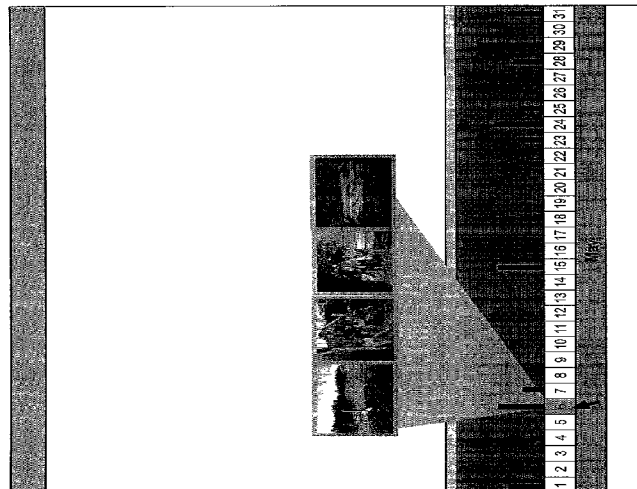


Fig. 6G

*Parker's timeline is being divided into units of time as being days, months, or years.*



*Figure 6G shows the bar graph with day as being a unit of time. The bar graphs represented for certain day shows respective length/height, which is along the time bar for that day/segment of time and this respective length/height represents the amount of media/photos associated with that day/time segment.*

*Figure 6G further show may 6<sup>th</sup> as segment of time and may 6<sup>th</sup> as having respective length (sideways or horizontal) which depends on the number of thumbnails associated with may 6<sup>th</sup>. Therefore clicking on may 6<sup>th</sup>/segment of time provides a respective length along the time bar which depends on the amounts of media files associated that segment of time.*

**B. § 103(a) rejection of claims 12 over Rothmuller.**

Appellant's arguments directed towards the rejections of dependent claim 12 reiterate deficiencies Appellant made in the rejection of the independent claim 11 and do not address any new points. Therefore examiner submits that if the rejection of the independent claim is deemed proper, the rejection of claim 12 should also be upheld.

Appellant's arguments directed towards the rejections of dependent claims 2-10, 14-15, and 17-18 reiterate deficiencies Appellant made in the rejection of the independent claims 1, 11, 13 and 16 and do not address any new points. Therefore examiner submits that if the rejection of the independent claims is deemed proper, the rejection of claims 2-10, 14-15, and 17-18 should also be upheld.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Usmaan Saeed/

Examiner, Art Unit 2166

Usmaan Saeed

Examiner, Art Unit 2166

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